

ORIGINAL

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS FILED OCT - 4 2019 CLERK U.S. DISTRICT COURT By <u>WCL</u> Deputy
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**EDWARD L. GREEN SR.,
Plaintiff**

v.

**WESTMONT HOSPITALITY
GROUP, INC., d/b/a Red Roof Inn,
d/b/a HomeTowne Studios by Red Roof,
f/k/a Crossland Extended Stay Studios,
Defendant**

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CIVIL ACTION NO.

4:19 cv 00788-A

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW, Plaintiff, Edward L. Green Sr. (hereinafter "Plaintiff"), and complains of Defendant, Westmont Hospitality Group, Inc., d/b/a Red Roof Inn, d/b/a HomeTowne Studios by Red Roof, f/k/a Crossland Extended Stay Studios (hereinafter "Defendant"), and would respectfully show unto the Court as follows:

I.

JURISDICTION AND VENUE

1. This Court has jurisdiction over the federal claims asserted herein pursuant to 28 U.S.C. §§1331 and 1343. In addition, Plaintiff invokes this Court's jurisdiction pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000-e, et seq. (hereinafter "Title VII").

2. Venue is proper in the Northern District of Texas, Dallas Division, pursuant to 28 U.S.C. §1391 because a substantial part of the events or omissions giving rise to the claim occurred in this judicial district.

II.

PARTIES

3. Plaintiff, Edward L. Green Sr., is a black/African American citizen of the United States and a resident of Dallas County, Texas. At all times relevant hereto, Plaintiff was an employee of Defendant. Plaintiff has been subjected to unlawful employment practices committed in Dallas County, Texas by employees and agents of the Defendant.

4. Defendant is a domestic for-profit corporation. Defendant may be noticed of this lawsuit by serving the registered agent, Capitol Corporate Services, Inc., 206 E. 9th Street, Suite 1300, Austin, Texas 78701-4411.

III.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

5. On July 1, 2019, Plaintiff filed a charge of employment discrimination against Defendant with the Dallas District Office of the Equal Employment Opportunity Commission (“EEOC”) within 300 days of the last discriminatory act. Any allegations in this action which pertain to events that occurred after 300 days of the last discriminatory act pertain to allegations of continuing violation.

6. Plaintiff was issued a “Notice of Right to Sue” concerning the charge, entitling him to institute a civil action within 90 days of the date of receipt of said notice. This action is timely filed.

IV.

FACTS AND CAUSES OF ACTION

7. This action is authorized and instituted pursuant to Title VII. This is a legal proceeding for legal and/or equitable relief available to secure the rights of the Plaintiff under

these statutes.

8. Beginning on or about October 13, 2018, and continuing through March 14, 2019, Plaintiff was repeatedly subjected to discrimination based on race, black/African American, gender, male, and sexual harassment, under Title VII.

9. Plaintiff's certifications and experiences are as follows: (1) Passed the M.E. test for maintenance to become a maintenance tech; (2) has 20 plus years' experience in maintenance.

10. Plaintiff was employed with Defendant for one (1) year, from March 2018 until March 14, 2019. Plaintiff's starting pay rate was \$11.45 and his ending pay rate was \$11.65. While employed by Defendant, Plaintiff was hired as a Porter/Maintenance technician, but only received a Porter's pay rate.

11. During his tenure with Defendant, Plaintiff was told by higher ups to take the M.E. exam to receive a promotion to Maintenance Tech. Plaintiff did just that and passed the exam, but never received the full promotion with pay increase.

12. During his tenure, Plaintiff never received any disciplinary action/reprimand, was never "written up," and was never informed of poor work performance.

13. On October 2018, Plaintiff was sexually harassed by his manager, Kendrick Johnson, in the presence of other co-worker's who witnessed the harassment. Mr. Johnson made sexually explicit comments to Plaintiff regarding his penis and Mr. Johnson told Plaintiff he wanted to come over his house to have sex. Plaintiff repeatedly asked Mr. Johnson to cease such communications and told him these comments were offensive, however, Mr. Johnson did not

stop making such comments.

14. In February 2019, Plaintiff was moved to another work location in Fort Worth, Texas where he was fired while still under the management of Kendrick Johnson.

15. Plaintiff was told by Jessica Alardin that management instructed her to fire him for anything done wrong, but Jessica refused.

16. Plaintiff was fired on March 14, 2019, for accusations of sleeping on the job and “smelling of narcotics.”

17. On April 26, 2019, Plaintiff was offered a severance package for \$3,070.57, which he declined.

18. On May 15, 2019, Plaintiff was offered another severance package for \$3,276.75, which he also declined.

19. Plaintiff claims Defendant showed preferential treatment to non-black employees; non-black employees received promotions and higher pay even when the non-black employees were less qualified; non-black employees received less disciplinary action and did not have to work as hard as black employees.

V.

DAMAGES

20. Plaintiff seeks statutory damages, back pay and front pay (at an equivalent to a maintenance technician pay rate) and/or lost wages and benefits in the past and future, all actual monetary losses, liquidated damages, attorney’s fees, expert witness fees, costs, prejudgment and

post judgment interest, and such other and further legal and equitable relief to which Plaintiff is entitled pursuant to Title VII.

21. Plaintiff is entitled to actual damages, including pecuniary damages, mental anguish or emotional pain and suffering, inconvenience, and loss of enjoyment of life in the past and in the future, and such other and further relief to which Plaintiff is entitled because of the actions and/or omissions complained of herein.

VI.

JURY DEMAND

22. Plaintiff respectfully requests a jury trial.

VII.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that Defendant be cited to appear, and, that Plaintiff be awarded judgment against Defendant for statutory damages, compensatory, punitive and general damages, back pay, front pay and/or lost wages and benefits in the past and future, all actual monetary losses, liquidated damages, attorney's fees, expert witness fees, costs, prejudgment and post judgment interest, and such other and further legal and equitable relief to which Plaintiff is entitled.

Respectfully submitted,

/s/ Marshay Howard Iwu

Marshay Howard Iwu
State Bar No. 24083204
P.O. Box 851553
Mesquite, Texas 75185-1553
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Telecopier: (972) 308-6011

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ATTORNEY FOR PLAINTIFF

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

**EDWARD L. GREEN SR.,
Plaintiff**

v.

**WESTMONT HOSPITALITY
GROUP, INC., d/b/a Red Roof Inn,
d/b/a HomeTowne Studios by Red Roof,
f/k/a Crossland Extended Stay Studios,
Defendant**

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CIVIL ACTION NO. 4:19cv00788-A

PLAINTIFF'S CERTIFICATE OF INTERESTED PERSONS

Pursuant to Fed. R. Civ. P. 7.1 and LR 3.1(c), LR 3.2(e), LR 7.4, LR 81.1(a)(4)(D), and LR 81.2, Plaintiff Edward L. Green Sr. provides the following information:

For a nongovernmental corporate party, the name(s) of its parent corporation and any publicly held corporation that owns 10% or more of its stock (if none, state "None"):

Answer: None.

A complete list of all persons, associations or persons, firms, partnerships, corporations, guarantors, insurers, affiliates, parent or subsidiary corporations, or other legal entities that are financially interested in the outcome of the case:

1. Edward L. Green Sr.
2. Westmont Hospitality Group, Inc., d/b/a Red Roof Inn, d/b/a HomeTowne Studios by Red Roof, f/k/a Crossland Extended Stay Studios
3. Marshay Howard Iwu

Date: October 2, 2019

Respectfully submitted,

IWU & ASSOCIATES

/s/ Marshay Howard Iwu

Marshay Howard Iwu

State Bar No. 24083204

P.O. Box 851553

Mesquite, Texas 75185-1553

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ATTORNEY FOR PLAINTIFF

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Edward L. Green Sr.

(b) County of Residence of First Listed Plaintiff

Dallas

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Marshall Howard
 Iwu, Iwu & Associates, P.O. Box 851553, Mesquite, TX
 75185-1553 (469) 458-3540

DEFENDANTS

Westmont Hospitality
 Group, Inc. d/b/a Red Roof Inn, d/b/a
 Homewood Suites by Red Roof, f/k/a Crossland
 County of Residence of First Listed Defendant Extended Stay Suites
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) SOCIAL SECURITY <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
				<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify):
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. § 2000-e, et seq.

Brief description of cause:

discrimination based on race, gender and sexual harassment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND:

☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

10/2/2019

SIGNATURE OF ATTORNEY OF RECORD

Marshall Howard

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE